

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Julian Heicklen,)	Case No. 1:10-cv-02239-RJH-JLC
)	
Plaintiff,)	
)	
v.)	
)	
U.S. Department of)	
Homeland Security,)	DECLARATION OF
et al.,)	KAREN SMITH
)	
Defendants.)	
)	

I, Karen Smith, state and declare as follows:

1. I am Associate Principal Legal Advisor in the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), Office of the Principal Legal Advisor (OPLA) in Washington, D.C. I have held this position since October 2007.
2. In my official capacity as Associate Principal Legal Advisor, I am familiar with and have personal knowledge of the Federal Tort Claims Act (FTCA) claims presented to the Federal Protective Service (FPS), for which OPLA acted as agency counsel when this complaint was filed.
3. A search of the FTCA claims files in my office has been conducted. Based on this search, and to the best

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of my knowledge, Plaintiff Julian Heicklen has not filed a FTCA claim for injury or damages with FPS.

4. In addition, as of this date, I have verified that the Federal Protective Service (FPS) officers named in the complaint (Officers Barnes, Wong, and Roond) were served in their official capacities only. The additional John Doe FPS officers about which we notified Plaintiff (Officers Ponomrev, Rodriguez, Valentin and Diaz) have not been served at all. Therefore, no FPS officers have been served in their individual capacity.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

EXECUTED at Washington, D.C. this 2nd day of June, 2011.



Karen Smith
Associate Principal Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Department of Homeland Security